

## **MINUTES**

### **RILEY COUNTY PLANNING BOARD**

**Monday, March 8, 2004  
7:30 p.m.**

**Courthouse Plaza East  
Commission Meeting Room**

---

---

Members Present: Jon Larson - Chair  
Buck Gehrt - Vice Chair  
Lorn Clement  
Tom Taul

Members Absent: Rebecca Mosier

Staff Present: Monty Wedel - Planning Director; Bob Isaac - Planner; Keri Lane - Clerical Assistant.

Others Present: Kitty Pursley; Patricia A. King; Roberta Blecha; Darlene Wilds; Skip Pickering; Dick Seaton; Ron Klataske; and Wayne Hoffman.

The minutes of the February 9, 2004 meeting were approved as amended.

The Report of Fees for the month of February 2004 was approved. The fees collected in February totaled \$450.00.

#### **DISCUSSION OF DRAFT AMENDMENT TO ZONING REGULATIONS REGARDING COMMERCIAL AND NONCOMMERCIAL WIND ENERGY CONVERSION SYSTEMS**

Chairman Larson addressed Lorn Clement and the memo that Clement had included in the Planning Board packet.

Lorn Clement stated that the memorandum was created after his research. Mr. Clement stated that he had learned a lot during his research and that he has changed his opinion. Mr. Clement stated that he was concerned with the character of the landscape and other things that wind energy systems would cause in the Flint Hills. Mr. Clement stated that he spoke with Becky Blake, Director of Manhattan's Chamber Business Bureau. He said that she was also concerned with the economy being nature-based and how the wind farms would affect it.

Lorn Clement explained how the redevelopment plans of downtown Manhattan would partially rely on STAR bonds, which have certain requirements that could be adversely impacted by the placement of wind energy systems within the Flint Hills. Mr. Clement stated that Commissioner Kearns had two major concerns for the regulations and that was they are fair and bulletproof. Mr. Clement stated that an extended moratorium would be in the best interest of the County.

Lorn Clement stated that he thought that the County should prohibit the industrial scale of turbines in Riley County.

Buck Gehrt stated that at one time, a barn was going to be built in Wabaunsee County along I-70 in order to promote tourism. Mr. Gehrt stated that several counties could not reach a consensus as to the placement of the barn. Mr. Gehrt stated that the plan eventually fell through. Mr. Gehrt stated that he had supported a tourism based trail ride that eventually failed. Mr. Gehrt stated that most of the tourists that pass through the state are just passing through on their way to Colorado. Mr. Gehrt stated that he felt they were making progress with the regulations and now he felt that they were starting over.

Lorn Clement stated that the Board's responsibility was looking out for the long-term well-being of the County. Mr. Clement also stated that he sees a direct relationship between the quality of the environment and the future economic well-being of the County

Buck Gehrt stated that 40% of the bad air in Kansas was from coal burning facilities. Mr. Gehrt stated that maybe it was time that we took an approach to cleaner air for the quality of the environment.

Lorn Clement discussed a case in Michigan that addressed aesthetics and the relation to tourism. Lorn Clement reiterated that he felt the County should prohibit wind turbines on an industrial scale.

Buck Gehrt asked Lorn Clement to compare the land in Michigan where wind energy had been implemented to the Flint Hills. Mr. Gehrt asked how much it would cost per lot to build on, expressing that those areas in Michigan were extremely expensive. Mr. Gehrt stated that cost should be entered in when comparing areas.

Dick Seaton stated that he had never been there but from what he understood, the area was along the shore of Lake Michigan. Mr. Seaton stated that he felt the principle could still apply.

Buck Gehrt stated that you should know what the value of an acre is in each place to know whether or not it should apply.

Dick Seaton and Lorn Clement both stated that they did not agree.

Lorn Clement stated that the court recognizes a link between the quality of visual and spatial environment and economic contribution to tourism.

Buck Gehrt stated that he had a report about property values actually increasing after a project was put on line.

Chairman Larson stated that he felt any developer should have a right to present an application to be approved or denied. Chairman Larson stated that it was the Board's job to gather information for themselves and the Board of County Commissioners to make a decision. Chairman Larson stated that he felt they should move forward and complete the regulations.

Tom Taul stated that he was concerned with "non-bulletproof" regulations. He also stated he was concerned with the possibility of lawsuits. Mr. Taul stated that he had been thinking about industrial and heavy industrial zoning. Mr. Taul stated that what applied to one industrial use, should apply to another. Mr. Taul stated that he had considered prohibiting them, or figuring out if they were going to put them just in the Flint Hills or if they were looking at the whole county. Mr. Taul asked if there was any other industrial or commercial uses that the County outright prohibited.

Monty Wedel, Director, stated that he wasn't aware of any industrial use that was outright prohibited.

Dick Seaton cited the 1987 Riley County Comprehensive Plan which states the environmentally significant areas and important natural resources shall be monitored on a regular basis to assess current conditions and minimize the loss due to growth and development. Mr. Seaton also stated that it addressed new development in the rural planning areas shall be restricted from or controlled within areas of significant natural resources to include prime ag land, wildlife habitat, wooded areas, scenic vistas, tall grass prairie and wetlands. Mr. Seaton also stated that the Comprehensive Plan also said that industrial development throughout an ag area results in much wasted ag land and an intrusion of incompatible urban uses in an ag environment. Mr. Seaton went on to cite that industrial development should be located within the urban area of the County. Mr. Seaton stated that wind turbines are pretty tall and that if you are going to adopt regulations to allow for this kind of development, you are seemingly altering certain aspects of the Comprehensive Plan. Mr. Seaton stated that he understood that the Comprehensive Plan was meant as a guide.

Monty Wedel stated that he wanted to point out that there are a number of industrial type uses in rural areas just by the nature of the uses. He pointed out that traditionally, uses such as landfills, Jeffery's Energy Center, resource extraction, are location dependent and must be located where the resource exists. Uses such as quarries and oil wells are exempt from local regulation by the State. Mr. Wedel did not want to leave anyone under the impression that there were not any industrial uses in rural areas.

Lorn Clement pointed out that the wind turbines are on a completely different scale and will have a very different affect on the landscape and character of the area.

Skip Pickering stated that the Governor's address to the Prairie Task Force was pretty worthless according to the Board. Mr. Pickering stated that the Governor said we can and must have both the Flint Hills and wind turbines. Mr. Pickering also stated that he wanted to address property values. Mr. Pickering recognized the article that Lorn Clement had quoted. Mr. Pickering stated that Mr. Clement should have quoted the rest of the article. Mr. Pickering stated that denying agriculture another diversification is pushing it. Mr. Pickering stated that he has a product and a market and knows what it is worth.

Ron Klataske stated that he had heard on the radio that Ft. Riley was looking at assuming air space north of Ft. Riley for about 20 miles. Mr. Klataske stated that it was appropriate for the Board to look at the request that Ft. Riley was making and how it would influence the proposed

regulations.

Wayne Hoffman stated that it was not accurate to say that Orion wasn't interested in protecting the Flint Hills. Mr. Hoffman stated that 98% of the land in any location is going to remain agricultural. Mr. Hoffman stated that to say wind farms are an industrial use is a stretch. He stated that it was a fundamental lack of understanding of land use, a fundamental understanding of the economics of ranching, and a fundamental misunderstanding of how the planning process works. Mr. Hoffman stated that Orion Energy has brought forth the most thorough, complete, rigid guidelines for wind energy that they could find on the planet, and that Orion has been accused of fixing the regulations. Mr. Hoffman stated that he supported the completion of the regulations and didn't believe the prohibition is reasonable.

Tom Taul asked what process was involved in applying for an application.

Monty Wedel stated that the Department would determine what zone would be needed. Mr. Wedel stated that once an application has been submitted, landowners within a 1000' would be notified, a notice of public hearing would be published in the paper, a public hearing would be conducted by the Riley County Planning Board and said Board would make a recommendation to the Board of County Commissioners.

Bob Isaac, Planner, stated that one tool that helps the decision makers and the elected officials in making zoning decisions is the Future Land Use map within the Comprehensive Plan. Mr. Isaac stated that a recommendation is made based on the Plan.

Tom Taul stated that he agreed that everyone should be able to make an application. Mr. Taul stated that no one argues against you when you say yes, but he wanted to have something in place to validate any decision when the Board denies a petition.

Lorn Clement moved to recommend that Riley County prohibit industrial scale Wind Energy Conversion Systems. Motion failed due to lack of second.

Kitty Pursely stated that she was not against clean energy use, but she does not want to look at them (wind turbines). Ms. Pursely stated that there has to be an appropriate location and she wants to preserve the land for her kids.

Monty Wedel projected the draft regulations on the overhead screen for the public and the Planning Board. The Board started on page 9, Noise Management.

The Board discussed pure tone noise. Bob Isaac clarified that a pure tone is a single frequency with no harmonics or overtones, that is rare and perceived as louder than background noise and could possibly be damaging.

Wayne Hoffman stated that a study would be done at the project owner's expense. Mr. Hoffman asked if the Riley County Planning and Development would determine what a reasonable complaint would be.

Chairman Larson stated that seemed reasonable.

Wayne Hoffman asked if they could define furling and a soft stall. Mr. Hoffman pointed out that to tighten up the regulations one might state that noise be measured using a 10 minute measurement of the basis of LEQ.

Chairman Larson asked how fast the blades rotate.

Bob Isaac stated that the smaller turbines rotate faster than the bigger ones which appear to rotate slower.

Chairman Larson asked how fast the blades rotated.

Wayne Hoffman stated that it was anywhere between 10-15 rpm.

Lorn Clement discussed the spacing between the turbines.

Monty Wedel asked how many machines would be in a cluster.

Wayne Hoffman stated there would probably be 15 to 18 in a group.

Lorn Clement stated that he would agree with 12 to 15 in a cluster.

The Board discussed an appropriate amount of time for repairs to inoperable turbines.

The Board discussed the rest of the standards.

#### **UPDATE - JOINT LAND USE STUDY (JLUS)**

Monty Wedel gave the update on the Joint Land Use Study. He stated that the next meeting would be held March 17th in the Junction City Municipal Building from 9 AM to about 6 PM. He stated that they were starting to interview the consultants.

#### **UPDATE - RILEY COUNTY COMPREHENSIVE PLAN**

Bob Isaac, Planner, presented an outline of goals and strategies for the Agricultural Reserve Tier. Mr. Isaac discussed that goals and strategies were not complete and the goals and strategies should be tailored to each proposed Tier. Mr. Isaac reemphasized that the Tier system is a method to achieved goals within the existing Comprehensive Plan. Mr. Isaac informed the Board that staff is continuing to make progress.

#### **UPDATE – SEXUALLY ORIENTED BUSINESSES**

Monty Wedel stated that County staff was considering starting over due to incorporating licensing requirements. Mr. Wedel stated that there have been changes made to definitions within the zoning amendment portion. Mr. Wedel discussed the need to republish the amendment and present those changes to each of the Planning Boards.

The meeting was adjourned at 10:20 pm.